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**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

NICOLE JOHNSON-GELLINEAU,

Plaintiff,

v.

STIENE & ASSOCIATES, P.C.;
CHRISTOPHER VIRGA, ESQ.; RONNI
GINSBERG, ESQ.; JPMORGAN CHASE
BANK, NATIONAL ASSOCIATION;
WELLS FARGO BANK NATIONAL
ASSOCIATION, AS TRUSTEE FOR
CARRINGTON MORTGAGE LOAN
TRUST, SERIES 2007-FRE1, ASSET-
BACKED PASS-THROUGH
CERTIFICATES,

Defendants.

Document filed electronically

Civil Action No. 7:16-cv-09945-KMK

**DECLARATION OF BRIAN P. SCIBETTA,
ESQ. IN SUPPORT OF DEFENDANTS'
MOTION TO DISMISS THE
COMPLAINT PURSUANT TO
FED. R. CIV. P. 12(b)(6)**

I, Brian P. Scibetta, do hereby declare, pursuant to 28 U.S.C. § 1746, as follows:

1. I am an attorney and associated with the law firm of Buckley Madole, P.C., attorneys for Defendants, JPMorgan Chase Bank, National Association (“Chase”) and Wells Fargo Bank National Association, as Trustee for Carrington Mortgage Loan Trust, Series 2007-FRE1, Asset-Backed Pass Through Certificates (“WFBNA,” and collectively with Chase, “Defendants”), in the above-captioned civil action. I am admitted to practice in this Court and am a member in

good standing. I submit this declaration in support of Defendants' Motion to Dismiss with Prejudice the Complaint filed by Plaintiff, Nicole Johnson-Gellineau ("Plaintiff"), pursuant to Fed. R. Civ. P. 12(b)(6).

2. Annexed hereto and incorporated herein as Exhibits 1 and 2 (due to file size) is a copy of the Plaintiff's Complaint, with exhibits.

3. Annexed hereto and incorporated herein as Exhibit 3 is a copy of the Summons and Complaint filed by WFBNA on June 3, 2013 in the Supreme Court of the State of New York, Dutchess County, in the foreclosure action titled *Wells Fargo Bank National Association, as Trustee for Carrington Mortgage Loan Trust, Series 2007-FRE1, Asset-Backed Pass-Through Certificates v. Nicole Johnson, et al.*, Index No. 2013/3344 (the "Foreclosure Action").

4. Annexed hereto and incorporated herein as Exhibit 4 is a copy of the Verified Answer, Affirmative Defenses and Counterclaims filed by Plaintiff on June 28, 2013 in the Foreclosure Action.

5. Annexed hereto and incorporated herein as Exhibit 5 is a copy of the August 10, 2015 Order in the Foreclosure Action.

6. Annexed hereto and incorporated herein as Exhibit 6 is a copy of the eCourts docket for the Foreclosure Action, as of August 9, 2017.

7. Annexed hereto and incorporated herein as Exhibit 7 is a copy of the Consent Order entered before the Board of Governors of the Federal Reserve System, Washington D.C., in the matter titled, *In re JPMorgan Chase & Co. and EMC Mortgage Corporation*, Docket No. 11-023, publicly available online at
https://www.federalreserve.gov/news_events/pressreleases/files/enf20110413a5.pdf.

I certify under penalty of perjury that the foregoing is true and correct.

By: /s/ Brian P. Scibetta
Brian P. Scibetta

Dated: August 11, 2017